

2. The Examiner states on page 3 of the Restriction Requirement that claims 1, 2, 6-30, 33-37, and 40 are generic. Applicants thus do not understand why the Examiner is currently designating all 40 pending claims as subject to a restriction requirement. Applicants request clarification by the Examiner.

3. Applicants will proceed in this paper as if only claims 3-5, 31-32, and 38-39 are subject to a restriction requirement, in view of the Examiner's statement on page 3 of the Restriction Requirement that claims 1, 2, 6-30, 33-37, and 40 are generic.

4. Applicants earnestly believe that all pending claims 1-40 are allowable without the need for restriction. Conditionally, however, in the event that no intervening independent generic claim is allowed upon which claims 3, 4, 14, 15, 31, 31, 38, and 39 can depend, Applicants provisionally elect Species I as set forth on page 2 of the Restriction Requirement. Claims 3, 14, 31, and 38 are readable upon this elected species.

5. Applicants respectfully traverse the Examiner's designation of claim 5 as subject to a restriction requirement. Claim 5 is a dependent claim adding a step to the method recited in independent claim 1. Applicants fail to see where the structure recited in claim 5 creates a species of invention that requires restriction under Section 121.

6. Applicants respectfully traverse the Examiner's identification of subspecies A through X as set forth on pages 2-3 of the Restriction Requirement. These subspecies pertain to structure presently recited in claims 26, 33, and 40. The Examiner has stated that these claims are generic on page 3 of the Restriction Requirement.

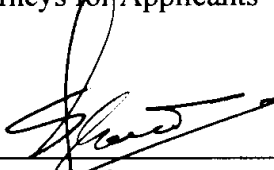
7. Applicants further traverse the Examiner's identification of subspecies A through X as set forth on pages 2-3 of the Restriction Requirement. The Examiner states, on page 2, that

A through X are "subspecies of the claimed invention". Careful review of claims 26, 33, and 40, however, will show that these claims recite a powder that is an agent in a host product identifiable by A through X. Claims 26, 33, and 40 are therefore submitted not to recite a "subspecies of the claimed invention" as alleged by the Examiner. These claims in fact recite the inventive powder (generic) embodied as an agent in alternative host products. Claims 26, 33, and 40 are thus generic. The Examiner's own reasoning supports this point because she has identified claims 26, 33, and 40 as generic claims on page 3 of the Restriction Requirement.

8. Subject to Applicant's traversals in paragraphs 6 and 7 above, and conditionally in the event that no intervening independent generic claim is allowed upon which claims 26, 33, and 40 can depend, Applicants provisionally elect subspecies B as set forth on page 2 of the Restriction Requirement.

Respectfully submitted,

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